



12

## Planning Commission Staff Report

**TO:** PLANNING COMMISSION

**FROM:** MARIA S. CADAVID, AICP, CSBA, SENIOR PLANNER  
480-503-6812, MARIA.SUNIGA-CADAVID@GILBERTAZ.GOV

**THROUGH:** CATHERINE LORBEER, AICP, PRINCIPAL PLANNER  
480-503-6016, CATHERINE.LORBEER@GILBERTAZ.GOV

**MEETING DATE:** APRIL 2, 2014

**SUBJECT:** UP14-01: PHO ASHLEY HEIGHTS VERIZON - A CONDITIONAL USE PERMIT FOR APPROXIMATELY 0.13 OF AN ACRE OF REAL PROPERTY LOCATED SOUTH OF THE SOUTHWEST CORNER OF POWER AND RAY ROADS IN THE BUSINESS PARK (BP) ZONING DISTRICT.

**STRATEGIC INITIATIVE:** Community Livability

The request will provide a new Wireless Communications Facility in this area of Town to allow expansion of services with the latest technology.

### **RECOMMENDED MOTION**

Make the Findings of Fact and Approve UP14-01, Pho Ashley Heights Verizon: A request for a Conditional Use Permit for approximately 0.13 of an acre of real property located south of the southwest corner of Power and Ray Road to permit a Wireless Communication Facility (75 foot high monopole) in the Business Park (BP) zoning district, subject to conditions.

### **APPLICANT/OWNER**

Coal Creek Consulting  
Steve Ciolek  
1525 N. Hayden Road  
Scottsdale, AZ 85282  
V: 480-246-4131  
E: [sciolek@coal-creek.com](mailto:sciolek@coal-creek.com)

Circle G at Gateway  
Ray Olsen  
2152 S. Vineyard # 105  
Mesa, AZ 85210  
V: 480-632-7272  
E: [ray@circleg.com](mailto:ray@circleg.com)

## **BACKGROUND/DISCUSSION**

### **History**

February 1, 2005      Town Council adopted Ordinance No. 1625 (Z01-09) that changed the zoning designation of the entire acreage to conform to the designations in the Land Development Code (LDC)..

### **Overview**

The request to install a new multicarrier 75' high Wireless Communication Facility (75' pole) to improve coverage and expand network capacity to handle the growing number of wireless calls and data usage from the nearby area. The monopole structure will be painted a non-reflective color with the associated equipment located inside the proposed shelter.

### **Surrounding Land Use & Zoning Designations:**

	<b>Existing Land Use Classification</b>	<b>Existing Zoning</b>
North	Ray Road then Light Industrial (LI) and Regional Commercial (RC)	Light Industrial (LI) and Regional Commercial (RC), Gilbert Gateway Town Center.
East	Power Road then City of Mesa	Power Road then City of Mesa
South	Business Park (BP)	Business Park (BP), Gilbert Medical, Phase I
West	Residential > 5-8 DU/Acre	Single Family-6 (SF-6) and Single Family Detached (SF-D)
On-Site	Business Park (BP)	Business Park (BP)

### **Project Data Table**

	<b>Proposed Project</b>
Site Area	0.13 of an acre
Existing Zoning	Business Park (BP)
Proposed Improvement	Multicarrier 75' high Wireless Communication Facility (Monopole)

## **ANALYSIS OF THE USE PERMIT**

The Use Permit process is used to review possible effects on surrounding properties on a case-by-case basis. The LDC outlines four specific findings that must be made by the Planning Commission to grant a Use Permit and are discussed below.

- 1. The proposed use will not be detrimental to health, safety, or general welfare of persons living or working in the vicinity, to adjacent property, to the neighborhood, or to the public in general;***

The subject site is situated in a Business Park (BP) zoning district generally located south of the southwest corner of Power and Ray Roads. The proposed monopole will be behind the separation wall between the Gilbert Gateway Towne Center (Walmart and in-line shops) on a vacant large parcel that is over 300' away from the closest residential property.

- 2. The proposed use conforms with the purposes, intent, and policies of the General Plan and its policies and any applicable area, neighborhood, or other plan adopted by the Town Council;***

The request for a Use Permit to allow the installation of a new Wireless Communications Facility (WCF-monopole) to improve the efficiency of high speed links through a variety of vendors meets the intent of the Gilbert General Plan Chapter 5, Public Facilities and Services Element by proposing a wider area of the Town being served by these links.

- 3. The proposed use conforms to the conditions, requirements, or standards required by the Zoning Code and any other applicable local, State, or Federal requirements;***

The setback provisions for WCFs in the Land Development Code (LDC) are met as follows: 340' to the right-of-way of Bluejay Drive on the west side, approximately 1,258' to the north property line (Ray Road right-of-way) and approximately 1,525' to the Galveston right-of-way to the south. The height of the monopole is at the maximum height permitted for WCFs in the employment zoning district, which will enable collocation of at least one other similar wireless communication antenna.

- 4. The proposed uses, as conditioned, would not unreasonably interfere with the use and enjoyment of nearby properties.***

The site is vacant behind the 8 foot masonry wall that separates the service area between Walmart and the vacant parcel where the WCF is proposed. The closest residential development is located over 340 feet away, on the west side beyond Bluejay Drive. The facility will have periodic visits by a technician to monitor and assure adequate operation of the facility. The monopole siting and operational activity will not unreasonably interfere with quality of life of the residential development on the west side (Gateway Village) or the commercial activity by the Gilbert Gateway Towne Center.

Pursuant to Section 4.705 of the LDC, the following additional findings of fact are required for WCF use permit applications;

**A. *The proposed WCF conforms with the requirements of Article 4.7;***

The application conforms to all provisions of Article 4.7 of the LDC with respect to monopole height requirements and setback distance requirements for WCFs (monopole) in the Employment Zoning Districts. Additionally, the screening and aesthetics, equipment enclosure, lighting and collocation capability for a WCF are also met.

**B. *The applicant has demonstrated the inability to co-locate the proposed WCF facility on an existing vertical element; and***

The applicant states in the narrative that Verizon proposes a multicarrier 75' Wireless Communication Facility and will install their antennas 60 above grade level allowing for future collocation of similar provider.

**C. *The visibility of the WCF is reduced to the extent feasible by decreasing its height, increasing its setback, locating it in proximity to other structures, using antenna designs which minimize horizontal projections, constructing it with colors and materials that de-emphasize its visibility.***

Per the photo simulation representation submitted with the application, the WCF visibility is reduced by the location selected on the vacant parcel: behind the existing 8' high masonry wall separating the site from the commercial development to the east. Also the distance from the nearest residential development west of Bluejay Drive of over 340' exceeds the 75'/110% minimum setback requirement for a monopole in the Employment zoning district. In addition, the WCF pole and the antenna will have a non-reflective finish.

Staff finds that the proposed project is in compliance with the Town's Use Permit Criteria and the standards and requirements necessary for granting the Use Permit.

**PUBLIC NOTIFICATION AND INPUT**

A notice of public hearing was published in a newspaper of general circulation in the Town, and an official notice was posted in all the required public places within the Town.

No objections to the proposal have been received on this case.

**PROPOSITION 207**

An agreement to "Waive Claims for Diminution in Value" Pursuant to A.R.S. § 12-1134 was signed by the landowners of the subject site, in conformance with Section 5.201 of the town of Gilbert Land Development Code. This waiver is located in the case file (UP14-01).

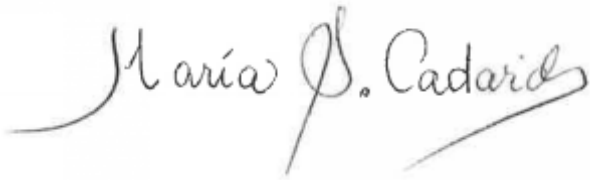
**STAFF RECOMMENDATION**

Move to make the findings of fact and approve UP14-01, PHO Ashley Heights Verizon: a request for a Conditional Use Permit to allow a Wireless Communication Facility (75 foot high monopole) for approximately 0.13 of an acre of real property located south of the southwest

corner of Power and Ray Road in the Business Park (BP) zoning district subject to the following condition:

1. The Project shall be in substantial conformance with the site plans and elevations shown on the Exhibits noted under Attachment Nos. 3 and 4.

Respectfully submitted,

A handwritten signature in dark ink, reading "Maria S. Cadavid". The signature is fluid and cursive, with a long horizontal stroke extending to the left and a sharp upward stroke at the end.

Maria S. Cadavid, AICP, CSBA  
Senior Planner

**Attachments:**

1. Findings of Fact
2. Notice of Public Hearing
3. Site Plans (2pp.)
4. Elevations (2 pp)

**FINDINGS OF FACT FOR**

**UP14-01 PHO ASHLEY HEIGHTS VERIZON:** Staff provides the following findings of facts, subject to conditions of approval to substantiate approval of the project:

1. The proposed use will not be detrimental to health, safety, or general welfare of persons living or working in the vicinity, to adjacent property, to the neighborhood, or to the public in general;
2. The proposed use conforms with the purposes, intent, and policies of the General Plan and its policies and any applicable area, neighborhood, or other plan adopted by the Town Council;
3. The proposed use conforms with the conditions, requirements, or standards required by the Zoning Code and any other applicable local, State, or Federal requirements; and
4. The proposed use, as conditioned, would not unreasonably interfere with the use and enjoyment of nearby properties.

And the additional findings for WCF required by Section 4.705 of the LDC, as follows;

- A. The proposed WCF conforms with the requirements of Article 4.7;
- B. The applicant has demonstrated the inability to co-locate the proposed WCF facility on an existing vertical element; and
- C. The visibility of the WCF is reduced to the extent feasible by increasing its setback, locating it in proximity to other structures, using antenna designs which minimize horizontal projections, constructing it with colors and materials that de-emphasize its visibility.

UP14-01

Attachment 2: Notice of Public Hearing

April 2, 2014

## ***Notice of Public Hearing***

**PLANNING COMMISSION DATE:**

**Wednesday, April 2, 2014\* TIME: 6:00 PM**

**LOCATION: Gilbert Municipal Center**

**50 E. Civic Center Drive**

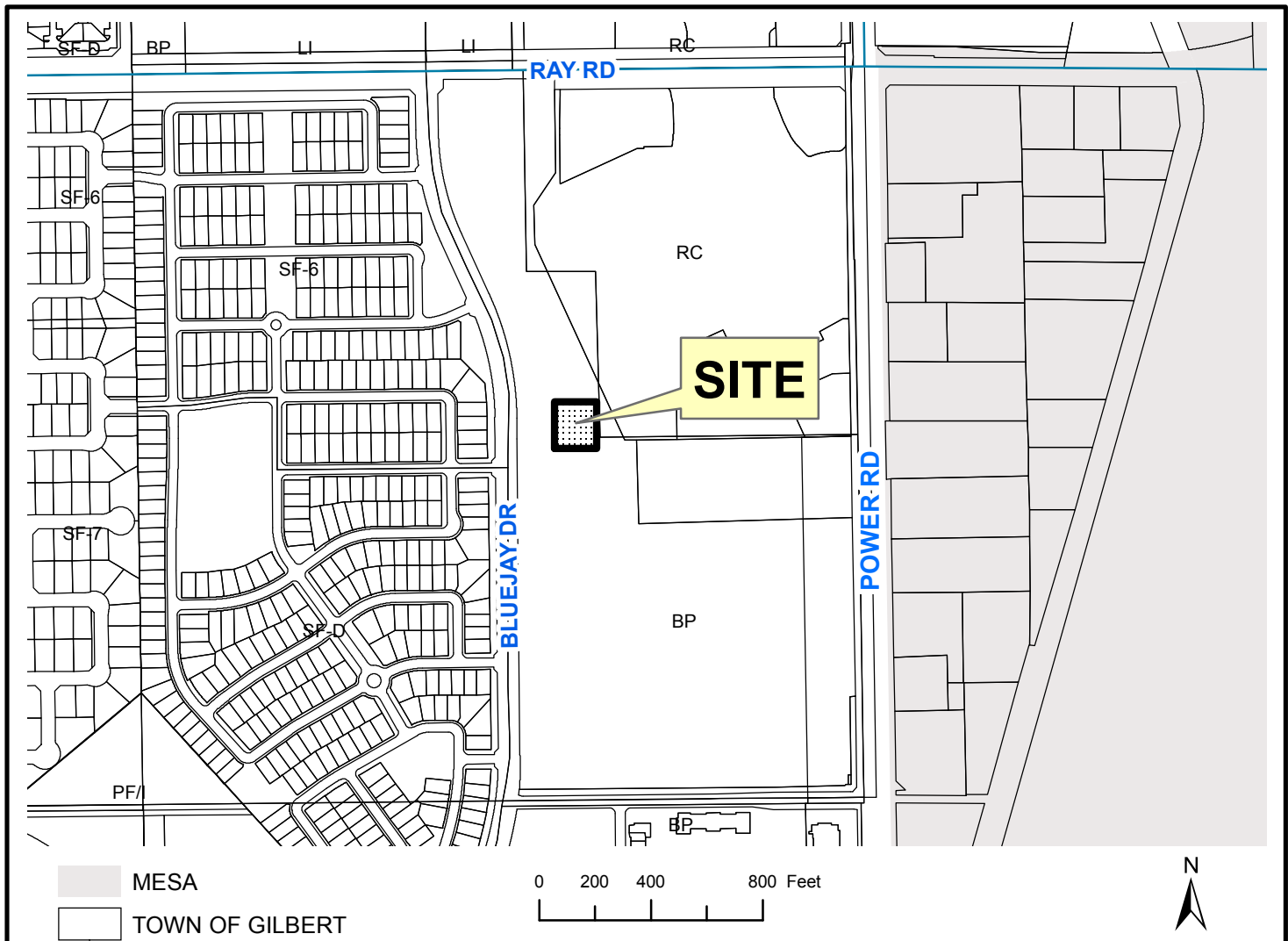
**Gilbert, Arizona 85296**

\* Call Planning Department to verify date and time: (480) 503-6700

### **REQUESTED ACTION:**

UP14-01: Request to approve a Conditional Use Permit for approximately 0.13 of an acre of real property located south of the southwest corner of Power and Ray Road (PHO Ashley Heights for Verizon) to permit a Wireless Communication Facility (75 foot high monopole) in the Business Park (BP) zoning district.

\* The application is available for public review at the Town of Gilbert Development Services division M-Th-7:00-6:00.



**APPLICANT: Coal Creek Consulting for AP Towers & Verizon Wireless**

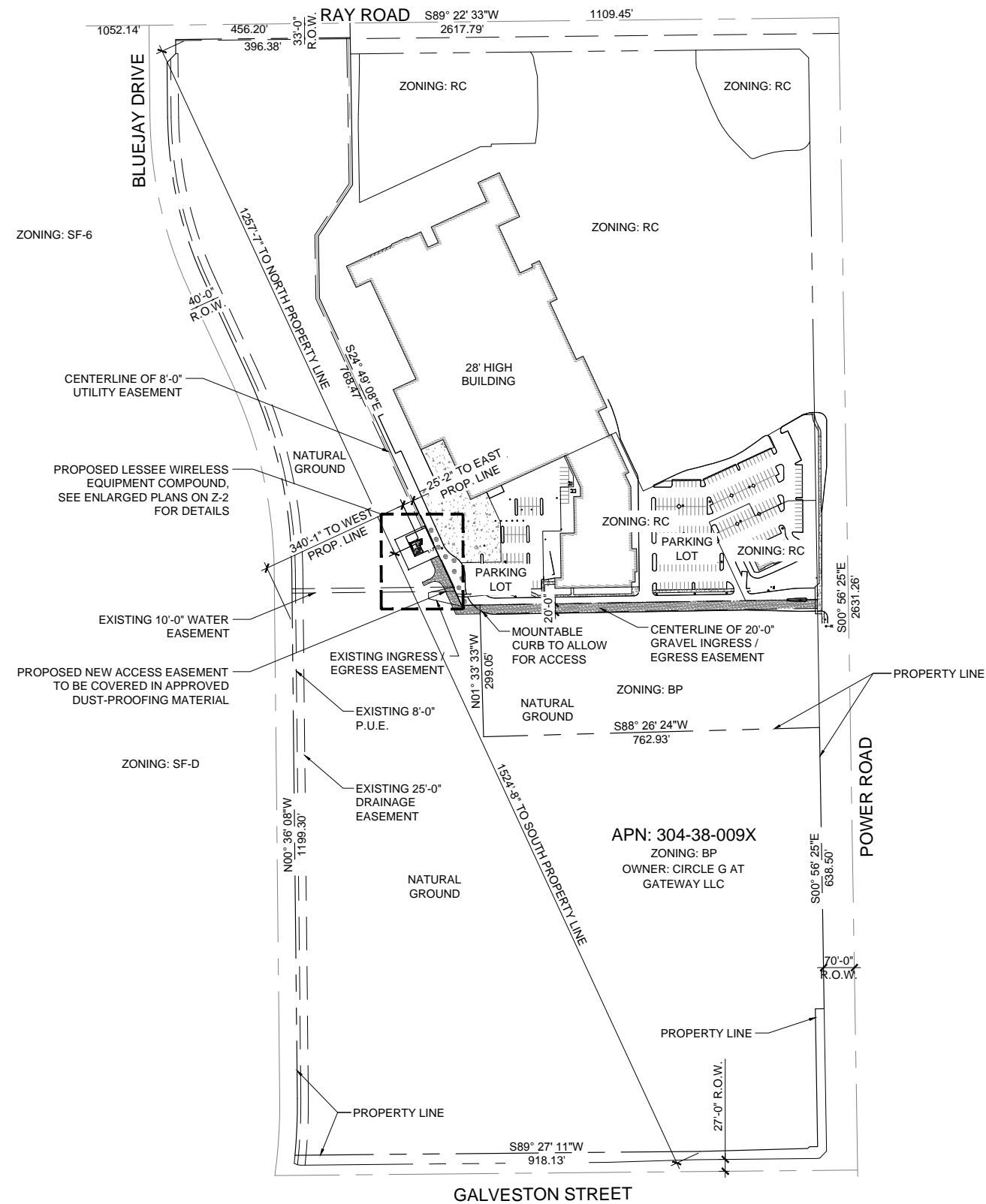
**CONTACT: Steve Ciolek**

**ADDRESS: 1525 N. Hayden Road**

**Scottsdale, AZ 85257**

**TELEPHONE: 480-246-4131**

**EMAIL: sciolek@coal-creek.com**



CLIENT

126 W. GEMINI DR.  
TEMPE, AZ 85283

INTERNAL REVIEW	DATE
CONSTRUCTION SIGNATURE	
RF SIGNATURE	
FACILITIES SIGNATURE	
REAL ESTATE SIGNATURE	

PLANS PREPARED BY

architecture / project management  
10245 E. Via Linda, Scottsdale, AZ 85258  
ph: 480 451 9609 fax: 480 451 9608  
e mail: corporate@ydcoffice.com

SEAL

This drawing is copyrighted and the property of Young Design Corporation (YDC) & produced solely by YDC and affiliates. reproduction or use of this drawing and/or the information contained hereon is forbidden without written permission by Young Design Corporation.

PRELIMINARY FOR REVIEW ONLY

NO.	DATE	DESCRIPTION
1	1/22/2013	SUBMITTAL

ARCHITECTS JOB NO.  
YDC-5330

PROJECT INFORMATION  
  
PHO\_ASHLEY HEIGHTS  
  
SWC OF RAY RD & POWER RD  
GILBERT, AZ 85236

SHEET TITLE  
SITE PLAN

JURISDICTION APPROVAL

SHEET NUMBER  
Z-1



NOT USED

4

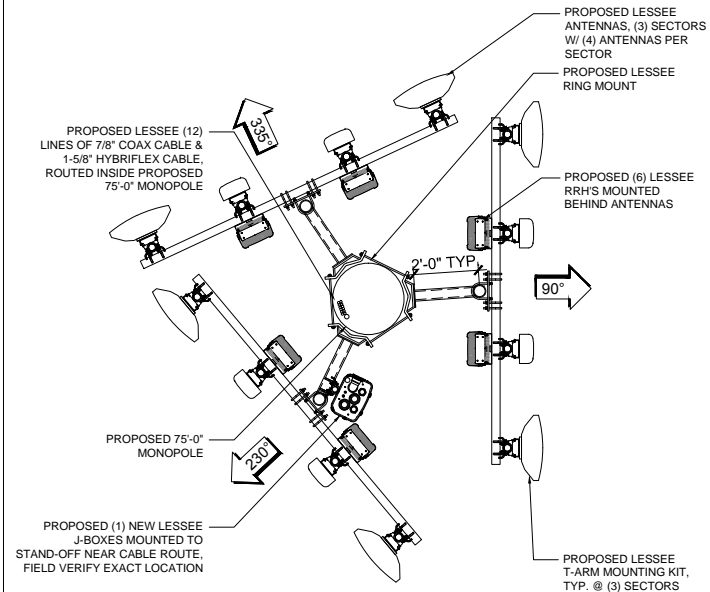
COAXIAL CABLE TABLE					
SECTOR	AZIMUTH	CENTERLINE	QTY.	SIZE	TYPE
ALPHA	335°	60'-0"	4	7/8"	AVA5-50
BETA	90°	60'-0"	4	7/8"	AVA5-50
GAMMA	230°	60'-0"	4	7/8"	AVA5-50
N/A	N/A	60'-0"	1	1-5/8"	8X12 HYBRIFLEX

NOTE:  
ALL AZIMUTHS SHOWN ARE RELATIVE TO TRUE NORTH,  
UNLESS NOTED OTHERWISE

\*IT SHALL BE THE CONTRACTORS RESPONSIBILITY TO VERIFY  
AZIMUTHS DEPICTED HEREIN WITH RF DEPARTMENT PRIOR  
TO INSTALLING ANTENNAS.

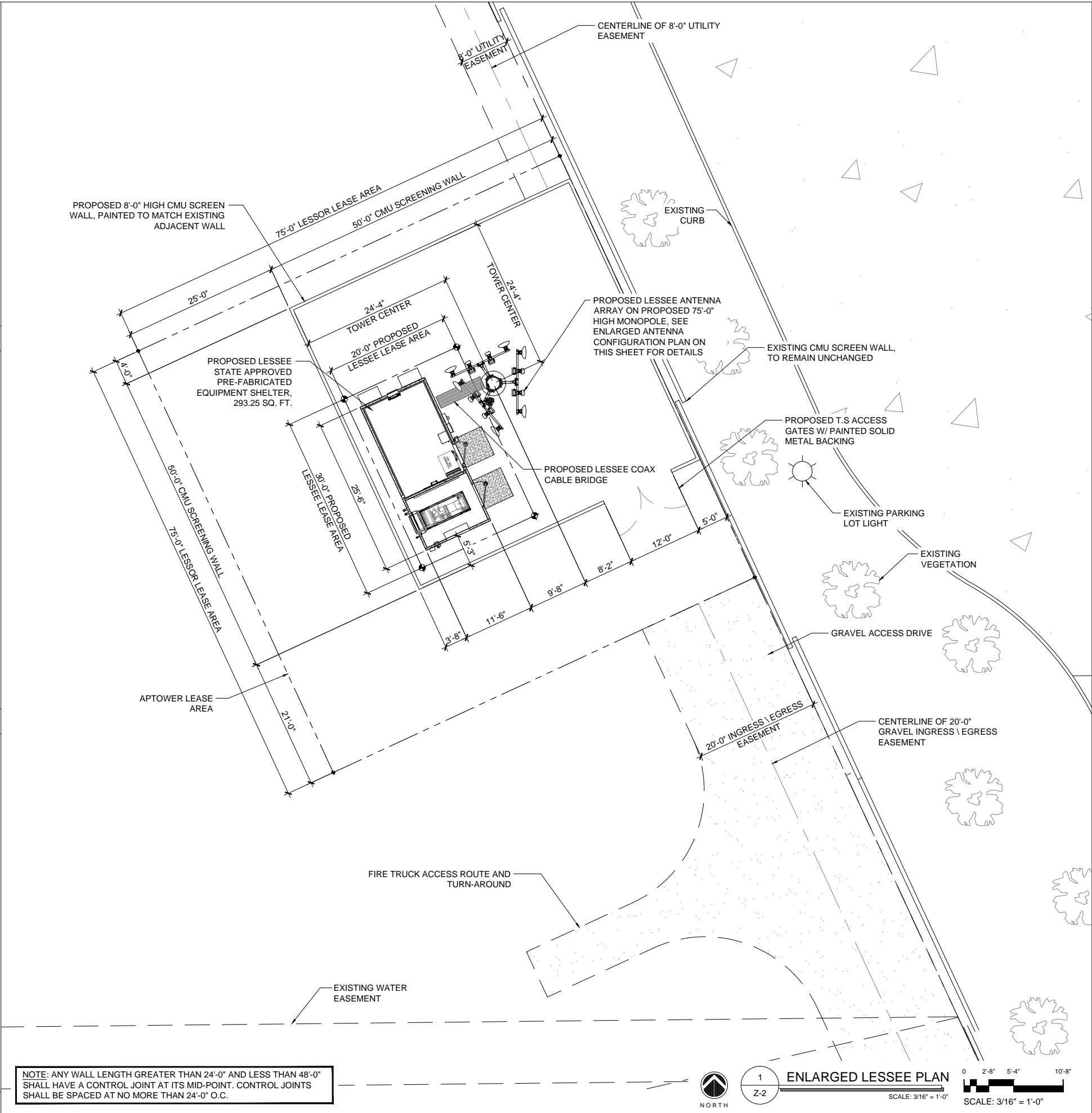
### COAX CABLE INFORMATION

3



60' CL - LESSEE ANTENNA CONFIGURATION

2



NOTE: ANY WALL LENGTH GREATER THAN 24'-0\"/>



1  
Z-2

ENLARGED LESSEE PLAN  
SCALE: 3/16\"/>

0 2'-8\"/>

CLIENT

126 W. GEMINI DR.  
TEMPE, AZ 85283

INTERNAL REVIEW	DATE
CONSTRUCTION SIGNATURE	
RF SIGNATURE	
FACILITIES SIGNATURE	
REAL ESTATE SIGNATURE	

PLANS PREPARED BY

architecture / project management  
10245 E. Via Linda, Scottsdale, AZ 85258  
ph: 480 451 9609 fax: 480 451 9608  
e mail: corporate@ydcoffice.com

SEAL

This drawing is copyrighted and the property of Young Design Corporation (YDC) & produced solely by YDC and affiliates. reproduction or use of this drawing and/or the information contained hereon is forbidden without written permission by Young Design Corporation.

PRELIMINARY FOR REVIEW ONLY

NO.	DATE	DESCRIPTION
1	1/22/2013	SUBMITTAL

ARCHITECTS JOB NO.

YDC-5330

PROJECT INFORMATION

PHO\_ASHLEY HEIGHTS

SWC OF RAY RD & POWER RD  
GILBERT, AZ 85236

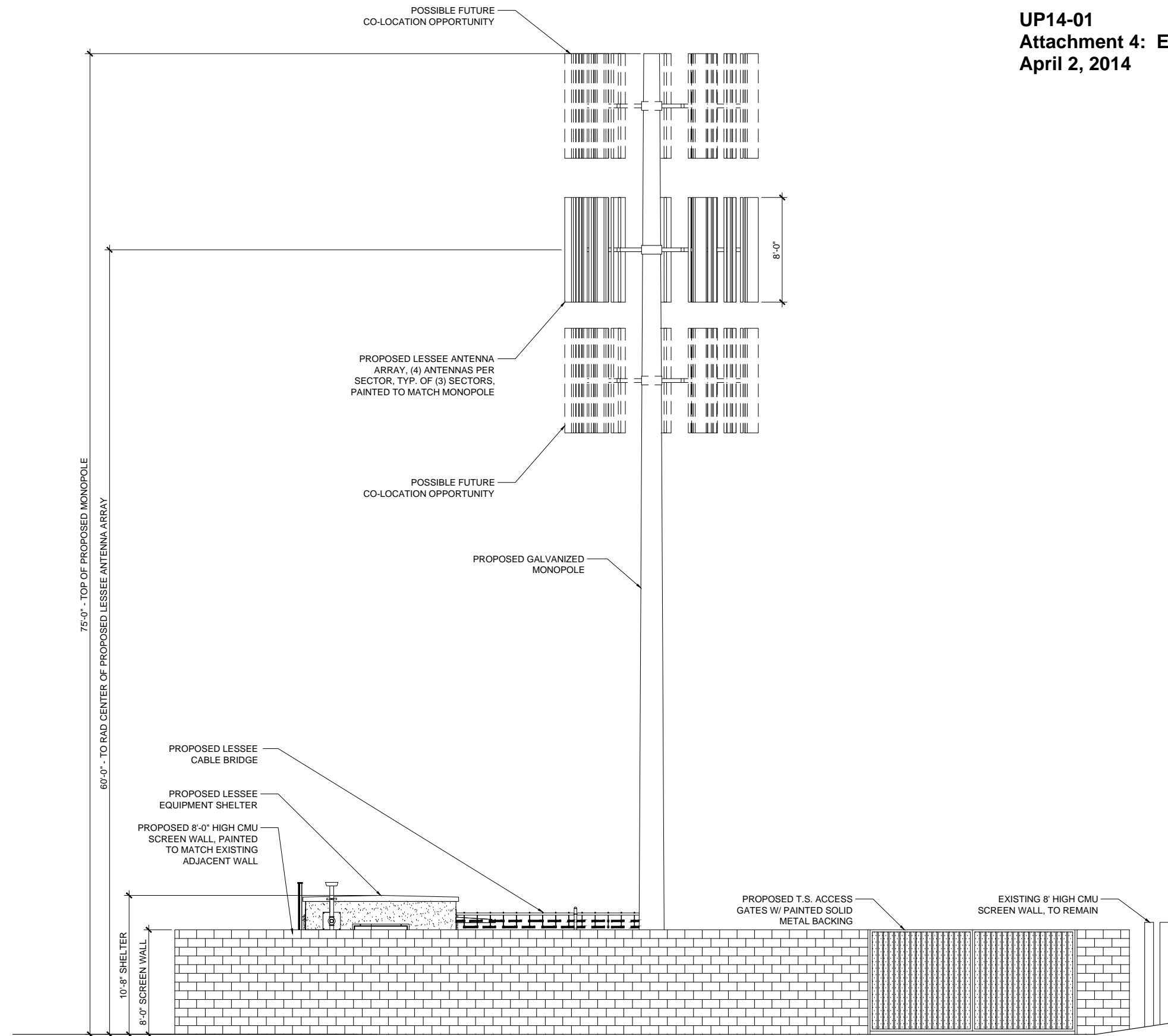
SHEET TITLE

ENLARGED SITE PLAN  
SITE DETAILS

JURISDICTION APPROVAL

SHEET NUMBER

Z-2



UP14-01  
Attachment 4: Elevations (2 pp)  
April 2, 2014

1 PROPOSED SOUTH ELEVATION  
Z-3  
SCALE: 1/4" = 1'-0"  
0 2 4 8  
SCALE: 1/4" = 1'-0"

CLIENT

126 W. GEMINI DR.  
TEMPE, AZ 85283

INTERNAL REVIEW	DATE
CONSTRUCTION SIGNATURE	
RF SIGNATURE	
FACILITIES SIGNATURE	
REAL ESTATE SIGNATURE	

PLANS PREPARED BY

architecture / project management  
10245 E. Via Linda, Scottsdale, AZ 85258  
ph: 480 451 9609 fax: 480 451 9608  
e mail: corporate@ydcoffice.com

SEAL

This drawing is copyrighted and the property of Young Design Corporation (YDC) & produced solely by YDC and affiliates. reproduction or use of this drawing and/or the information contained hereon is forbidden without written permission by Young Design Corporation.

PRELIMINARY  
FOR REVIEW  
ONLY

NO.	DATE	DESCRIPTION
1	1/22/2013	SUBMITTAL

ARCHITECTS JOB NO.  
YDC-5330

PROJECT INFORMATION

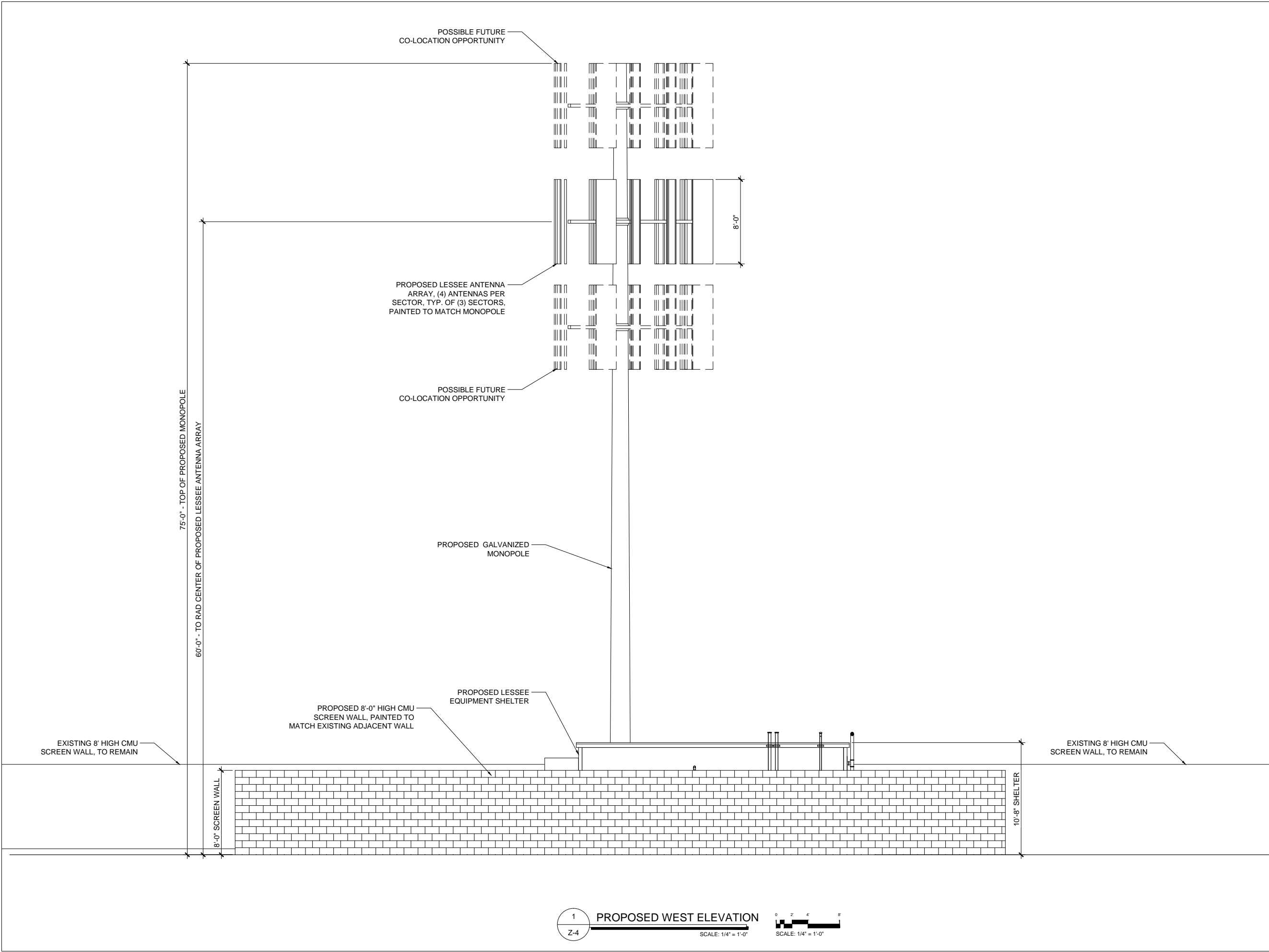
PHO\_ASHLEY HEIGHTS

SWC OF RAY RD & POWER RD  
GILBERT, AZ 85236

SHEET TITLE  
ELEVATIONS

JURISDICTION APPROVAL

SHEET NUMBER  
Z-3



1  
Z-4


**PROPOSED WEST ELEVATION**

SCALE: 1/4" = 1'-0"

0 2' 4' 8'

SCALE: 1/4" = 1'-0"

CLIENT




**verizon** wireless

126 W. GEMINI DR.  
TEMPE, AZ 85283

INTERNAL REVIEW	DATE
CONSTRUCTION SIGNATURE	
RF SIGNATURE	
FACILITIES SIGNATURE	
REAL ESTATE SIGNATURE	

PLANS PREPARED BY



**young**  
**design corp**

architecture / project management  
10245 E. Via Linda, Scottsdale, AZ 85258  
ph: 480 451 9609 fax: 480 451 9608  
e mail: corporate@ydcoffice.com

SEAL

This drawing is copyrighted and the property of Young Design Corporation (YDC) & produced solely by YDC and affiliates. reproduction or use of this drawing and/or the information contained hereon is forbidden without written permission by Young Design Corporation.

**PRELIMINARY FOR REVIEW ONLY**

NO.	DATE	DESCRIPTION
1	1/22/2013	SUBMITTAL

ARCHITECTS JOB NO.

**YDC-5330**

PROJECT INFORMATION

**PHO\_ASHLEY HEIGHTS**

SWC OF RAY RD & POWER RD  
GILBERT, AZ 85236

SHEET TITLE

**ELEVATIONS**

JURISDICTION APPROVAL

SHEET NUMBER

**Z-4**